



#3

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

OPTICALLY PUMPED, SURFACE-EMITTING SEMICONDUCTOR LASER DEVICE AND METHOD FOR THE MANUFACTURE THEREOF

Case No. P01,0121, the specification of which

(check one) X is attached hereto.
 was filed on _____, as
Application Serial No. _____
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, 1.56.¹

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below:

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below

Prior Foreign Application(s)	Number	Country	Date
100 26 734.3		Germany	May 30, 2000
101 18 079.4		Germany	February 20, 2001

and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the above listed application on which priority is claimed:

Prior Foreign Application(s)	Number	Country	Date
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¹ (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

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Prior Foreign Application(s)

And I hereby appoint all Attorneys Identified by United States Patent & Trademark Office Customer Number 26574, who are all members of the firm of Schiff Hardin and Waite.

Telephone 312/258-5500 Patent Department

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

Schiff, Hardin & Waite
Atten: Patent Department
6600 Sears Tower, Chicago, Illinois 60606 -6473
Customer Number 26574

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor, **TONY ALBRECHT**

Inventor's signature _____ Date _____
Residence Regensburg, Germany
Citizenship Germany
Post Office Address Franz-von Taxis-Ring 12
93049 Regensburg, Germany

Full name of second joint inventor **NORBERT LINDER**

Inventor's signature Norbert Luiders Date 10 July 01
Residence Regensburg, Germany
Citizenship Germany
Post Office Address Boessnerstrasse 25 Keilbergstr. 31 93049 Regensburg, Germany 93173 Weissenbach, Germany NL
10 July 01

Full name of third joint inventor,
(if any) **JOHANN LUFT**

Inventor's signature _____ Date _____
Residence Wolfsegg, Germany
Citizenship Germany
Post Office Address Ahornstrasse 1
93195 Wolfsegg, Germany



DECLARATION AND POWER OF ATTORNEY

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Telephone 312/258-5500 Patent Department

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Atten: Patent Department
6600 Sears Tower, Chicago, Illinois 60606 -6473
Customer Number 26574

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Full name of sole or first inventor, **TONY ALBRECHT**

Inventor's signature _____ Date _____
Residence Regensburg, Germany
Citizenship Germany
Post Office Address Franz-von Taxis-Ring 12
93049 Regensburg, Germany

Full name of second joint inventor **NORBERT LINDER**

Inventor's signature _____ Date _____
Residence Regensburg, Germany
Citizenship Germany
Post Office Address Boessnerstrasse 25
93049 Regensburg, Germany

Full name of third joint inventor,
(if any) **JOHANN LUFT**

Inventor's signature  Date 10.03.01
Residence Wolfsegg, Germany
Citizenship Germany
Post Office Address Ahornstrasse 1
93195 Wolfsegg, Germany

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AND METHOD FOR THE MANUFACTURING THEREOF"**

Case No. P01.0121 the specification of which

(check one) X is attached hereto,
was filed on April 2, 2001, as
Application Serial No. 09/824,086
and was amended on _____
(if applicable)

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Patent Department
6600 Sears Tower, Chicago, Illinois 60606

CUSTOMER NUMBER 26574

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Full name of sole or first inventor.

Investor's signature X Tony Almert Date 02.08.01
Residence Bad Abbach, Germany
Citizenship Germany
Post Office Address Erich-Kastner-Str. 21
93077 Bad Abbach, Germany

Full name of second joint inventor

(if any) Norbert LINDER

Inventor's signature _____ Date _____
Residence _____ Wassenbach, Germany
Citizenship _____ Germany
Post Office Address _____ Keilbergstr. 31

93173 Wassenbach, Germany

Full name of third inventor:

(if any) Johann LUFT

Inventor's signature _____ Date _____
Residence _____ Wolfege, Germany
Citizenship _____ Germany
Post Office Address _____ Abensstrasse 1

93195 Wolfege, Germany

GFSAMT SEIT